PATENT Attorney Docket No. 96-043-C2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: WALKER et al.

Serial No.: Not Yet Assigned

Filing Date: November 1, 2001

For: METHOD AND APPARATUS FOR SELLING SUBSCRIPTIONS TO PERIODICALS IN A RETAIL ENVIRONMENT

Examiner: Not Yet Assigned

Group Art Unit: Not Yet Assigned

Attorney Docket No: 96-043-C2

Customer No.: 22927

22927

JC555 U.S. PTO 09/998760 11/01/01

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail in an envelope with sufficient postage and addressed to: Box Patent Application, Assistant Commissioner for Patents, Washington, D.C. 20231, on November 1, 2001.

Dated: 11/01/01 By: Michael D. Brinton

Box Patent Application
Assistant Commissioner for Patents
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

Sir:

Applicants submit herewith patents, publications or other information of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a thorough search has been made, an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists. Nor shall the filing of this information disclosure statement be construed as an admission against interest in any manner.

This Information Disclosure Statement is filed in accordance with 37 C.F.R. §§1.56, 1.97 and 1.98. The items listed on the accompanying Form PTO-1449 may be deemed to be pertinent to the above-identified application and are made of record to assist the Patent and Trademark Office in its examination of this application. The Examiner is respectfully requested to fully consider the items listed on the enclosed copy of Form PTO-1449 and to independently ascertain their teaching.

1. [] Applicants respectfully direct the Examiner's attention to the pending U.S. patent applications listed on the enclosed Form PTO-1449. The Examiner is respectfully requested to fully consider and independently ascertain the teachings and relevance of those applications with respect to the instant application. Applicants would be pleased to provide the Examiner with a copy of these applications upon request.

2. [] For each of the items listed on the enclosed copy of Form PTO-1449 that is not in the English language, a European Search Report from a counterpart European application is enclosed. Such items are marked as reference letter(s): _____ _____.

3. [] For each of the items listed on the enclosed copy of Form PTO-1449 that is not in the English language, a concise explanation of the relevance of that item is incorporated in the specification of the above-identified application. Such items are marked as reference letter(s): _____.

4. [X] No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with:

 [X] 37 C.F.R. §1.97(b)(1), within three months of the filing date of the above-identified application.

 [] 37 C.F.R. §1.97(b)(2), within three months of the date of entry into the national stage as set forth in §1.491.

[] 37 C.F.R. §1.97(b)(3), before the mailing date of a first Office Action on the merits.

5. [] No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. 1.97(c), after the period specified in paragraph 4 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action), and is accompanied by one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below.

6. [] A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c) after the period specified in paragraph 4 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action). The fee due under 37 C.F.R. §1.17(p) is to be paid as set forth in paragraph 10 below.

7. [] A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in accordance with 37 C.F.R. §1.97(d), after the mailing date of a final action or a Notice of Allowance, but before the payment of the issue fee, and is accompanied by:

a. one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below; and

b. this document is to be considered as a petition requesting consideration of the information disclosure statement.

c. the fee due under 37 C.F.R. §1.17(i)(1) which is paid as set forth in paragraph 10 below.

8. [] A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in compliance with:

[] 37 C.F.R. §1.313(b)(3), after the issue fee has been paid and information cited in this Information Disclosure Statement may render at least one claim unpatentable and is accompanied by the attached Petition to Withdraw Application from Issue;

[] 37 C.F.R. §1.313(b)(5), after the issue fee has been paid and information cited in this Information Disclosure Statement is to be considered in a Continuation application upon abandonment of the instant application and is accompanied by the attached Petition to Withdraw Application from Issue.

[] The fee due under 37 C.F.R. §1.17(i)(1) is paid as set forth in paragraph 10 below.

9. [] I hereby certify:

[] that each item of information contained in the items listed on the enclosed copy of Form PTO-1449 was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. A copy of such communication is enclosed.

[] that no item of information contained or listed on the enclosed copy of Form PTO-1449 was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

10. [] Please accept payment of the fees due as indicated below:

[] A check in the amount of $240.00 is enclosed in payment of the fee due under 37 C.F.R. 1.17(p).

[] The Commissioner is hereby authorized to charge $240.00 to Deposit Account No. 50-0271 in payment of the fee due under 37 C.F.R. §1.17(p). A duplicate copy of this sheet is attached for such purpose

[] A check in the amount of $130.00 is enclosed in payment of the fee due under 37 C.F.R. §1.17(i)(1).

[] The Commissioner is authorized to charge $130.00 to Deposit Account No. 50-0271 in payment of the fee due under 37 C.F.R. §1.17(i)(1). A duplicate copy of this sheet is attached.

11. [X] The Commissioner is hereby authorized to charge any additional fees which may be required for this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 50-0271. A copy of this authorization is attached.

12. [] No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed concurrently with a Request for Continued Examination.

Respectfully submitted,

November 1, 2001
Date

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INFORMATION DISCLOSURE CITATION

Docket Number	Serial Number
96-043-C2	Not Yet Assigned
Applicants	
WALKER et al.	
Filing Date	**Group Art Unit**
November 1, 2001	Not Yet Assigned

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U.S. PATENT DOCUMENTS

EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE IF APPROPRIATE
	A	3,890,461	06/17/75	Vogelman et al.	178	5.1	
	B	4,253,157	02/24/81	Kirschner et al.	364	900	
	C	4,276,598	06/30/81	Inoue et al.	364	405	
	D	4,484,217	11/20/84	Block et al.	358	84	
	E	4,723,212	02/2/88	Mindrum et al.	364	401	
	F	4,833,609	05/23/89	Grulke, Jr.	364	405	
	G	4,910,672	03/20/90	Off et al.	364	405	
	H	4,947,028	08/7/90	Gorog	235	381	
	I	4,984,155	01/8/91	Geier et al.	364	401	
	J	5,173,851	12/22/92	Off et al.	364	401	

FOREIGN PATENT DOCUMENTS

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	Translation	
							Yes	No
	K	7-231309	08/29/95	Japan				
	L	FR 2 757 656 - A1	06/26/98	France				

OTHER DOCUMENTS (*Including author, Title, Date, Pertinent Pages, Etc.*)

	M	Howland, Jennifer, "National distributors: scanning the future.", Folio: The Magazine for Magazine Management, February 1985, Vol. 14, pg. 69, ISSN: 0046-4333.

EXAMINER | **DATE CONSIDERED:**

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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U.S. PATENT DOCUMENTS

EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE IF APPROPRIATE
	N	5,235,415	08/10/93	Bonicel et al.	358	84	
	O	5,324,922	06/28/94	Roberts	235	375	
	P	5,413,341	05/9/95	Lieberman	273	138 R	
	Q	5,415,264	05/16/95	Menoud	194	217	
	R	5,428,606	06/27/95	Moskowitz	370	60	
	S	5,521,364	05/28/96	Kimura et al.	255	383	
	T	5,528,490	06/18/96	Hill	364	403	
	U	5,544,040	08/6/96	Gerbaulet	364	401 R	
	V	5,612,868	03/18/97	Off et al.	364	214	
	W	5,630,103	05/13/97	Smith et al.	395	500	

FOREIGN PATENT DOCUMENTS

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	Translation	
							Yes	No

OTHER DOCUMENTS (*Including author, Title, Date, Pertinent Pages, Etc.*)

	X	Wood, Wally, "Circulation marketing: let your magazine do the selling.", Folio: The Magazine for Magazine Management, June 1985, Vol. 14, pg. 78, ISSN: 0046-4333.

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U.S. PATENT DOCUMENTS

EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE IF APPROPRIATE
	Y	5,694,546	12/2/97	Reisman	395	200.9	
	Z	5,794,210	08/11/98	Goldhaber et al.	705	14	
	AA	5,832,457	11/3/98	O'Brien et al.	705	14	
	BB	5,926,796	07/20/99	Walker et al.	705	16	
	CC	6,014,641	01/11/00	Loeb et al.	705	34	
	DD	6,021,390	02/1/00	Satoh et al.	705	1	
	EE	6,229,879 B1	05/8/01	Walker et al.	379	88	

FOREIGN PATENT DOCUMENTS

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	Translation	
							Yes	No

OTHER DOCUMENTS ***(Including author, Title, Date, Pertinent Pages, Etc.)***

	FF	Reese, Diane, "Revitalizing single-copy sales.", Folio: The Magazine for Magazine Management, February 1986, Vol. 15, pg. 84, ISSN: 0046-4333.

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JC555 U.S. PTO 09/998760 10/10/01

	GG	Joyce, Walter, "Muscular merchandising; column", Folio: The Magazine for Magazine Management, June 1986, Vol. 15, pg. 124, ISSN: 0046-4333.
	HH	"Phoenix Papers to Sell Merchandise to Build Awareness", Editor & Publisher, September 17, 1988, Vol. 121, Issue 38, pg. 23, ISSN: 0013-094X.
	II	Donaton, Scott, "Gift subscriptions find retail niche", Advertising Age, July 16, 1990, Section: News at pg. 37.
	JJ	Guy, Pat, "A gift off the rack: Mag subscription", USA Today, December 19, 1990, Section: Money at pg. 2B.
	KK	Jaben, Jan, "Magazine gift-giving made simple at retail outlets; Time Inc., Hearst, Meredith test Subscriber Systems' method of selling gift subscriptions; News", Folio's Publishing News, February 15, 1991, Vol. 3, No. 2, pg. 15, ISSN: 1043-8688.
	LL	Carlson, Lynn, "Decreasing Your Direct-Mail Costs", Folio: The Magazine for Magazine Management, September 1, 1992, Vol. 21, Issue 9, pp. 81-82, ISSN: 0046-4333.
	MM	Manly, Lorne, "A newsstand for the electronic age", Folio: The Magazine for Magazine Management, September 15, 1993, Vol. 22, No. 16, pg. 17, ISSN: 0046-4333.
	NN	Hochwald, Lambeth, "Sub sources that break with tradition", Folio: The Magazine for Magazine Management, May 1, 1994, Vol. 23, Issue 8, pp. 46-48, ISSN: 0046-4333.
	OO	Love, Barbara, "Selling Subscriptions at newsstands", Folio: The Magazine for Magazine Management", June 1, 1994, Vol. 23, Issue 10, pg. 10, ISSN: 0046-4333.
	PP	"The super subs", Precision Marketing, October 24, 1994, No. 0, Vol. 0, pg. 23, ISSN: 0957-4913.
	QQ	Cyr, Diane, "Distribution woes; declining newsstand circulation; includes related article on preventing newsstand fraud", Folio: The Magazine for Magazine Management, January 1995, Vol. 23, No. 19, pg. 170, ISSN: 0046-4333.
	RR	Love, Barbara, "Folio: plus circulation; techniques for managing magazine circulation", Folio: The Magazine for Magazine Management, January 1995, Vol. 23, No. 19, pg. 159, ISSN: 0046-4333.
	SS	Kelly, Keith J., "Hearst opens a cyberspace newsstand", Advertising Age, January 30, 1995, Vol. 66, Issue 5, pg. 14, ISSN: 0001-8899.

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	TT	Schnuer, Jenna, "Overnight options add to distribution mix; distribution of 'Inside Sports' magazine", Folio: The Magazine for Magazine Management, March 1, 1995, Vol. 24, No. 4, pg. 19, ISSN: 0046-4333.
	UU	Kelly, Keith J., "Publishers pine for cyber-profits", Time Inc., March 13, 1995, Vol. 66, Issue 11, pp. S-22, ISSN: 0001-8899.
	VV	"Hearst Corporation launches 'The Multimedia Newsstand'", Link-Up, March/April 1995, Vol.12, Issue 2, pp. 1, 36, ISSN: 0739-988X.
	WW	"Tretorn Offers Magazine Promo", Adweek, May 1, 1995, Section: Newswire.
	XX	Hochwald, Lambeth, "Postal blues: circulators cope with the rate crunch.", Folio: The Magazine for Magazine Management, May 1, 1995, Vol. 24, No. 8, pg. 54, ISSN: 0046-4333.
	YY	Wilson, Steve, "Out of print - but not business; magazines move away from print in favor of electronic publishing", Folio: The Magazine for Magazine Management, May 1, 1995, Vol. 24, No. 8, pg. 22, ISSN: 0046-4333.
	ZZ	"LottoWorld", MediaWeek, May 8, 1995, Vol. 5, No. 19, at pg. 16(1).
	AAA	Graham, Anne, "Nonmember subs - or not? Nonmember subscriptions to association magazines; includes tips from publishers", Folio: The Magazine for Magazine Management, June 1, 1995, Vol. 24, No. 10, pg. 47, ISSN: 0046-4333.
	BBB	Miller, Paul, "Magazine deal lacks catalog appeal; Brief Article", Folio: The Magazine for Magazine Management, June 15, 1995, Vol. 24, No. 11, pg. 30, ISSN: 0046-4333.
	CCC	Wilson, Steve, "Directory assistance: a buyer's guide can give you a big boost in revenue and attract new advertisers and subscribers.", Folio: The Magazine for Magazine Management, October 1, 1995, Vol. 24, No. 16, pg. 40, ISSN: 0046-4333.
	DDD	Garratt, David, "What premium on on-cover premiums?", Folio: The Magazine for Magazine Management, October 1, 1995, Vol. 24, No. 16, pg. 53, ISSN: 046-4333.

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	EEE	"HFS Incorporates and Hachette Filipacchi Magazines; announce launch of Century 21 House & Home Magazine...", Business Wire, November 20, 1995.
	FFF	Hochwald, Lambeth, "Circulation secrets: nine steps to a successful circulation launch strategy includes list of resources", Folio: The Magazine for Magazine Management, February 1, 1996, Vol. 25, No. 2, pg. 53, ISSN: 0046-4333.
	GGG	Kerwin, Anne Marie, "Notably at the newsstand: InStyle, Financial World push for greater single-copy sales.", Inside Media, February 7, 1996, Vol. 8, No. 3, pg. 26, ISSN: 1046-5316.
	HHH	Adams, Mark, "Capell reports sales drop at newsstands", Mediaweek, March 11, 1996, Vol. 6, No. 11, pg. 27, ISSN: 1055-176X, CODEN: MADEAP.
	III	Hodges, Jane, "'WSJ' puts squeeze on Web subscriptions", Advertising Age, April 29 1996, Vol. 67, Issue 18, pg. 34, ISSN: 0001-8899.
	JJJ	Schnuer, Jenna, "A world without magazines? Consumers weigh in survey of consumers indicates that...", Folio: The Magazine for Magazine Management, June 1, 1996, Vol. 25, No. 9, pg. 16, ISSN: 0046-4333.
	KKK	Tedesco, Richard, "Time launches 'Net subscription service", Broadcasting & Cable, November 11, 1996, Vol. 126, Issue 47, pg. 65, ISSN: 1068-6827.
	LLL	Case, Tony, "The electronic newsstand branches out", Folio: The Magazine for Magazine Management, April 1, 1997, Vol. 26, Issue 5, pg. 13, ISSN: 0046-4333.
	MMM	Krol, Carol, "Magazine site to focus on commerce", Advertising Age, August 18, 1997, Vol. 68, Issue 33, pg. 18, ISSN: 0001-8899.
	NNN	"Magazine Subscription Sales Center - Where buying subscriptions is easy!", Customer Service Information, Interactive Magazine Sales, Inc, Email: aim@panix com.

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